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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,795	11/16/2001	Phillip Y. Goldman	14531.124	8854
47973	7590	12/16/2005		
WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			EXAMINER CHOWDHURY, SUMAIYA A	
			ART UNIT 2611	PAPER NUMBER

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/993,795	<b>Applicant(s)</b> GOLDMAN, PHILLIP Y.	
	<b>Examiner</b> Sumaiya A. Chowdhury	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/6/02</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6-12, 14-20, and 23-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Pierre (US 2003/0070182).

As for claim 1, Pierre discloses in a computing device having an associated output device (television), a method for automatically executing an interruption operation on media content in response to an event, comprising the acts of:

as media content is obtained and output by the output device (television),  
detecting a first event indicating that the output of the media content is to be modified; -  
paragraph [0026]

in response to detecting the first event (phone call, email), automatically  
executing an operation on the media content such that the output of the media content  
is modified and can be later restored without loss of continuity of the media output. –  
paragraph [0026]

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As for claims 2, 20, 26, Pierre discloses the act of detecting a ring signal on a telephone line or if a telephone call is being received. (telephone call; paragraph [0026], [0025])

As for claims 6, 23, 27 Pierre discloses the act of detecting receipt of an electronic message. (email; paragraph [0026], [0025])

As for claims 7, 24 Pierre discloses the act of detecting a signal from a device associated with a home network. (paragraph [0023])

As for claim 8, Pierre discloses the act of detecting a signal from a motion sensor. (paragraph [0028])

As for claim 9, Pierre discloses the act of detecting a signal from a personal transmitter (motion detector, infrared scanner, and camera; paragraph [0028], [0029]).

As for claim 10, Pierre discloses detecting a first event indicating that the output of media content is to be interrupted. (paragraph [0025], [0026])

As for claim 11, Pierre discloses:  
the media content comprises a television program – paragraph [0022], [0017];  
and

the operation comprises a pause operation performed on the television program – paragraph [0024], [0026].

As for claim 12, Pierre discloses:

as television programming is received from a video on demand server and output by the output device, detecting a first event indicating that the output of the television programming is to be interrupted – paragraph [0010].

As for claim 14, Pierre discloses the act of automatically executing an operation on the media content such that the output of the media content is interrupted and can be later resumed without loss of continuity of the media output – paragraph [0029], [0026].

As for claim 15, Pierre discloses in response to a second event, resuming the output of the media content. – paragraph [0029].

As for claim 16, Pierre discloses:

the media content comprises a television program - paragraph [0022], [0017];  
the operation comprises a pause operation performed on the television program – paragraph [0024], [0026]; and  
output of the television program is resumed in response to the second event

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such that, from the standpoint of a viewer, it appears as if a live broadcast of the television program had been paused – paragraph [0029], [0024].

As for claim 17, Pierre discloses the act of displaying a message associated with detection of the first event. – (notification; paragraph [0030], [0022], [0024], [0026])

As for claim 18, Pierre discloses the act of displaying caller ID data associated with an incoming telephone call. In particular, Pierre discloses wherein a notice is displayed identifying the caller and output of video is interrupted, depending on the particular person who is calling – paragraph [0026].

As for claim 19, Pierre discloses in a computing device having an associated display device and an associated storage device, a method of automatically pausing the display of a television program in response to an event in the environment of the computing device, comprising the acts of:

as the television program is obtained and displayed on the display device, detecting a first event that has been designated to indicate that the display of the television program is to be interrupted – paragraph [0026];

in response to the detected event, automatically storing a television signal in which the television is encoded on the storage device so as to pause the display of the television program – paragraph [0022], [0024]; and

in response to a second event, resuming display of the television signal by displaying the television signal that has been stored on the storage device - paragraph [0029].

As for claim 25, Pierre discloses in a computing device having an interruption engine and an associated output device, a method for automatically executing an interruption operation on media content in response to an event, comprising the acts of: as media content is received and output by the output device, detecting an event in the environment of the computing device;

identifying a priority value to be assigned to the event based on priority information stored at the computing device – paragraph [0025] - [0027];

applying a rule of a set of rules to the priority value assigned to the event to identify an interruption operation – paragraph [0025] - [0027]; and

automatically executing the interruption operation on the media content – paragraph [0025] – [0027].

As for claim 28, Pierre discloses the act of receiving information via an input mechanism that was established for interrupt sources to inform the interruption engine (component within STB) that the output of media content is to be interrupted – paragraph [0024] – [0026].

As for claim 29, Pierre discloses the act of receiving the set of rules in broadcast data encoded in a television signal (Since the headend defines the priority values, the set of rules are encoded in the TV signal; paragraph [0025]).

As for claim 30, Pierre discloses the act of receiving data that was registered with the interruption engine by a user, wherein the data defines the set of rules – paragraph [0025], [0026].

As for claim 31, Pierre discloses the interruption operation is such that the output of the media content is paused – paragraph [0026], [0024].

As for claim 32, Pierre discloses the act of the interruption engine learning the behavior of a viewer associated with the computing device so as to generate the information on which the priority value to be assigned to the event is based (neural network; paragraph [0026]).

As for claim 33, Pierre discloses the act of the interruption engine learning the behavior of a viewer associated with the computing device so as to generate the rule of the set of rules (The neural network develops a set of rules by learning during which event to notify the user – paragraph [0026]).



As for claim 34, Pierre discloses wherein the act of applying a rule of a set of rules to the priority value comprises the act of further applying an exception to the rule (e.g. A viewer may want to answer a call from his girlfriend unless he is watching soccer. In this case, the call would be unobtrusively noticed or ignored without a pause during a soccer match but would pause viewing otherwise – paragraph [0026]).

As for claim 35, Pierre discloses a video on demand server applying a rule of a set of rules to the priority value. The priority values could be assigned by the head end operator (video on demand server) – paragraph [0025].

As for claim 36, Pierre discloses wherein the interruption operation comprises pausing the output of the media content – paragraph [0026].

Claim 37 contain the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 37 additionally calls for the following:

Pierre discloses a computer program product (STB) for implementing, in a computing device having an associated output device, a method for automatically executing an interruption operation on media content in response to an event – paragraph [0024].

Claim 38 contain the limitations of claim 19 and is analyzed as previously discussed with respect to that claim. Claim 38 additionally calls for the following:

a computer-readable medium (STB) carrying computer-executable instructions, that when executed at the computing device, cause the interruption engine to perform the method – paragraph [0024].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Palmer (US 2001/0038690).

As for claims 3 and 21, Pierre fails to disclose the act of detecting an off-hook condition of a telephone.

In an analogous art, Palmer discloses detecting an off-hook condition of a telephone for the desirable advantage of providing the user the convenience of automatically pausing the TV program such that the user doesn't miss any part of the TV program – paragraph [0063].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Pierre's invention to include act of detecting an off-hook condition of a telephone, as taught by Palmer, for the desirable advantage of providing

the user the convenience of automatically pausing the TV program such that the user doesn't miss any part of the TV program.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Palmer as applied to claim 3 above, and further in view of Wong (5631745).

As for claim 4, Pierre and Palmer fail to disclose the act of detecting an off-hook condition of a telephone comprises the act of testing the impedance of a telephone line associated with the telephone.

In an analogous art, Wong discloses wherein the off-hook condition is detected by testing the impedance – col. 16, lines 22-25.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Pierre and Palmer's invention to include wherein the off-hook condition is detected by testing the impedance, as taught by Wong, for the advantage of determining when a user has begun a conversation with the caller.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Goldman (4995074).

As for claim 5, Pierre fails to disclose the act of detecting a call waiting signal on a telephone line.

In an analogous art, Goldman discloses detecting a call waiting signal – col. 4, lines 43-61

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Pierre's invention to include detecting a call waiting signal, as taught by Goldman, for the advantage of informing the user of a third party call.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view Jennings (US 2004/0025186).

As for claim 13, Pierre fails to disclose the act of transmitting a signal from the computing device to the video on demand server indicating that the output of the television programming is to be interrupted by the video on demand server.

In an analogous art, Jennings discloses wherein a signal is transmitted from the receiver to the media server (510 – Fig. 5; video on demand server) indicating to pause the content for the advantage of having the operation done at the server end rather than the receiver to keep the functions carried out by the receiver to a minimum– paragraph [0199].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Pierre's invention to include wherein a signal is transmitted from the receiver to the media server indicating to pause the content, as

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taught by Jennings, for the advantage of having the operation done at the server end rather than the receiver to keep the functions carried out by the receiver to a minimum.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre in view of Palmer as applied to claim 21 above, and further in view of Kilby (377067).

As for claim 22, Pierre fails to disclose wherein the off-hook condition is detected immediately after a ring signal on a telephone line associated with the telephone.

In an analogous art, Kilby discloses wherein the off-hook condition is detected after a ring signal on a telephone line for the advantage of transmitting a busy signal to the calling party such that the user isn't disturbed – col. 7, lines 5-30.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Pierre's invention to include wherein the off-hook condition is detected after a ring signal on a telephone line, as taught by Kilby, for the advantage of transmitting a busy signal to the calling party such that the user isn't disturbed.

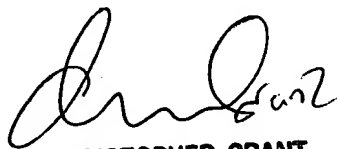
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC

  
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